

REMARKS

In the Office Action, the Examiner rejected all claims 1-11 and 17-22. By the present Response, Applicant amended claims 8 and 9 to place the present application in condition for appeal. Claims 1-11 and 17-22 remain pending in the present application. In view of the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Claim Rejections under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 7-11 under U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant respectfully traverses this rejection. The Examiner asserted that there is insufficient antecedent basis for recitations in dependent claims 8 and 9. In addition, the Examiner contended that the recitations in independent claim 7 of a “first polymerization step” and a “second polymerization step” are indefinite. The Examiner specifically stated:

Without any intermediate step(s) and any indication that the process has been stopped in between the first polymerization step and the second polymerization step, one of ordinary skill would not know the end of the first step and the beginning of the second step. The examiner has considered the loop reactor (Figure 1) of applicants’ specification. Since Figure 1 only indicates a single loop reactor, how can a polymerization process be carried in two polymerization steps?

Office Action, page 3.

Applicants believe, in view of the amendments to dependent claims 8 and 9, that the Examiner's assertions of insufficient antecedent basis are moot. Therefore, Applicant respectfully requests that the Examiner withdraw the rejections under Section 112 based on insufficient antecedent basis.

With regard to the Examiner's assertion of indefiniteness of independent claim 7, Applicant respectfully contends that the Examiner misunderstands the technology at issue. One of ordinary skill in the art would clearly understand claim 7, especially in view of the specification. *See, e.g.*, Application, pages 4-5, ¶¶ 19-21. Indeed, one of ordinary skill in the art would appreciate that the operating conditions of the polymerization reactor can be adjusted to transition from a first melt index to a second index. Applicant emphasize that claim 7 is not insolubly ambiguous, and respectfully requests that the Examiner withdraw the rejections under Section 112 and allow the claim.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-7 and 17-22 under 35 U.S.C. § 103(a) as obvious over Rohlfing, et al. (U.S. Patent No. 3,244,681). Claims 1 and 7 are independent. Applicant respectfully traverses this rejection. As a preliminary matter, Applicants notes that the Examiner incorrectly attributed U.S. Patent No. 3,244,681 to Stanley et al. Further, Applicant chooses not to address the substance of the rejection in the present Response. Instead, Applicant will address the substance of the rejection in the upcoming Appeal Brief to be filed by Applicant.

CONCLUSION

Applicant respectfully submits that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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John M. Rariden
Reg. No. 54,388
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545